

FIRST REGULAR SESSION

HOUSE BILL NO. 940

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZPATRICK.

1997H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 64.725, RSMo, and to enact in lieu thereof two new sections relating to county planning and zoning commissions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 64.725, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 64.003 and 64.725, to read as follows:

64.003. 1. Notwithstanding any other section of law to the contrary and except as otherwise provided in section 64.725, after August 28, 2013, all members on county planning, county zoning, and county planning and zoning commissions or boards shall be elected. A member appointed before that date will continue to serve until a successor is qualified and elected. An appointed member shall be eligible to seek election for that position if all other requirements are met.

2. At the first regularly scheduled countywide election after August 28, 2013, the voters in each township of the unincorporated area of a county shall elect one member from each township to be a member of the commission or board. Following this election in counties that have an appointed commission or board, the elected members shall immediately replace the persons previously appointed. The terms of each elected member of the commission or board shall be four years or until the member's successor takes office; except that, the terms shall be overlapping and one-half of the members first elected, or if an uneven number one-half plus one, shall be elected for two-year terms, and the remaining members shall be elected for four-year terms. Thereafter, all members shall be elected for four-year terms.

3. All members of the commissions or boards shall serve as such without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties. The commission or board shall elect a chair at the first

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

20 **meeting of the year to serve for such year until a new chair is elected. The elected**
21 **commission or board shall be governed by the appropriate provisions of sections 64.211 to**
22 **64.295, sections 64.510 to 64.727, and sections 64.800 to 64.905 according to the provisions**
23 **whereby the county adopted planning, zoning, or planning and zoning.**

64.725. 1. As an alternative to the procedures in sections 64.510 to 64.550, the county
2 commission of any county may create a temporary county or township planning commission
3 prior to an election to adopt county or township planning and zoning. Such planning
4 commission shall prepare a county plan for:

5 (1) All areas of the county, whether such areas are incorporated or unincorporated,
6 outside the corporate limits of any city, town or village which has adopted a city plan in
7 accordance with the laws of this state; or

8 (2) Any individual unincorporated township, separate from the rest of the county, which
9 shall affect only that specific township.

10 2. The temporary county planning commission appointed pursuant to subdivision (1) of
11 subsection 1 of this section shall consist of the county highway engineer, and one resident from
12 each township of the county appointed by the county commission from the unincorporated area
13 of the county. The temporary township planning commission appointed pursuant to subdivision
14 (2) of subsection 1 of this section shall consist of the highway engineer, one person appointed
15 by the county commission and three residents of the township for which the plan is proposed.
16 The members of such planning commission or commissions shall serve until a planning
17 commission is elected by the voters of the county or township, pursuant to subsection 6 of this
18 section. All members of such temporary planning commission or commissions shall serve
19 without compensation, but shall be reimbursed for their actual and necessary expenses incurred
20 in the performance of their official duties. Such planning commission or commissions shall elect
21 a chair at the first meeting of the year to serve for such year until a new chair is elected. The
22 county highway engineer shall be an ex officio member of such planning commission or
23 commissions.

24 3. Each temporary planning commission may create and adopt rules for the transaction
25 of its business and shall keep a public record of its resolutions, transactions, findings and
26 recommendations. Each commission may appoint such employees as it deems necessary for its
27 work, and may contract with planners and other consultants for such services as it may require,
28 and may incur other necessary expenses. Each commission shall have power to make, adopt and
29 publish a proposal for a master plan of the county or township for the purpose of bringing about
30 coordinated physical development in accordance with the present and future needs. The master
31 plan shall be developed so as to conserve the natural resources of the county or township, to
32 ensure efficient expenditure of public funds and to promote the health, safety, convenience,
33 prosperity and general welfare of the inhabitants. Such master plan may include, among other
34 things, studies and recommendations relative to the location, character and extent of highways,

35 railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks,
36 parkways, forests, wildlife refuges, dams and projects affecting conservation of natural resources.
37 Before the adoption of the plan, the commission shall hold at least one public hearing thereon,
38 fifteen days' notice of the time and place of which shall be published in at least one newspaper
39 having general circulation within the affected county or township, and notice of such hearing
40 shall also be posted at least fifteen days in advance thereof in one or more public areas of the
41 courthouse of the county. Such hearing may be adjourned from time to time. The adoption of
42 the plan shall be by resolution carried by not less than a majority vote of the full membership of
43 the temporary county or township planning commission.

44 4. After the temporary county or township planning commission has adopted a proposed
45 plan for county or township planning and zoning in the county or township, the county
46 commission shall submit to the voters of the county or affected township, the question of
47 whether the county or township should adopt county or township planning and zoning as
48 provided in the proposed plan. Such plan shall be available to the voters at least twenty days
49 prior to the election. A notice stating the place or places and times for examining the plan shall
50 be posted in one or more public areas of the courthouse of the county, and such notice shall be
51 published in at least one newspaper of general circulation in the county or township at least once
52 a week for three consecutive weeks, the last publication to be twenty days prior to the election.

53 5. The question for the adoption of county or township planning and zoning shall be
54 submitted to the voters of the county, or to the voters of the township, substantially in either of
55 the following forms, depending on whether such ballot is for township planning and zoning or
56 for county planning and zoning:

57 (1) For township planning and zoning: Shall township planning and zoning as proposed
58 by the township planning commission be adopted in township (insert name of
59 township)?

60 ☐ YES ☐ NO

61 (2) For county planning and zoning: Shall county planning and zoning as proposed by
62 the county planning commission be adopted?

63 ☐ YES ☐ NO

64 6. If a majority of the votes cast in a county or township on the question of whether the
65 county or township should adopt county or township planning and zoning as provided in the
66 proposed plan are in favor of adopting the plan, then the plan shall become immediately effective
67 in the appropriate county or township, and an attested copy of the official master plan shall be
68 certified to the county commission, to the recorder of deeds, and to the clerk of each incorporated
69 area covered by the plan or part thereof, or to the clerk of the appropriate township, if any, and
70 the temporary county or township planning commission shall implement the plan. At the next
71 countywide election:

72 (1) For countywide plans, the voters in each township of the unincorporated area of the
73 county shall elect one member from each township to be a member of the county planning
74 commission; or

75 (2) For township plans, the voters in the township shall elect three members to the
76 township planning commission; and the county commission shall by order entered of record have
77 the newly elected members of the county or township planning commission continue with a
78 program of county or township planning and zoning. If a majority of the votes cast on the
79 question of whether the county or township should adopt county or township planning and
80 zoning as provided in the proposed plan are in opposition to adopting the plan, then [it shall be
81 at the discretion of] the county commission [whether to retain or] **shall** dissolve the temporary
82 county or township planning commission established pursuant to subsection 1 of this section.

83 7. The terms of the elected members of the county or township planning commission
84 shall be four years or until the member's successor takes office; except that, the terms shall be
85 overlapping and one-half of the members first elected, or if an uneven number one-half plus one,
86 shall be elected for two-year terms and the remaining members shall be elected for four-year
87 terms. The county highway engineer shall be an ex officio member of the county or township
88 planning commission. The term of the county highway engineer shall be only for the duration
89 of the engineer's tenure of official position. All members of the county or township planning
90 commission shall serve as such without compensation, but shall be reimbursed for actual and
91 necessary expenses incurred in the performance of their official duties. The planning
92 commission shall elect a chair at the first meeting of the year to serve for such year until a new
93 chair is elected. The county or township commission shall have all powers granted a county
94 planning commission appointed pursuant to sections 64.510 to 64.695.

95 8. If the county commission does not appoint a temporary county or township planning
96 commission as provided in subsection 1 of this section, the voters of the county or of any
97 township may submit a petition, signed by five percent of the number of voters in the county or
98 township voting at the last gubernatorial election, calling for the appointment of a temporary
99 county or township planning commission. Upon receipt of such a petition, the county
100 commission shall appoint a temporary county or township planning commission as provided in
101 subsection 1 of this section.

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